

OCT 6 1993

University of Massachusetts
Depository Copy

GUIDELINES FOR THE APPOINTMENT OF HOUSING AUTHORITY
EXECUTIVE DIRECTORS

Pursuant to M.G.L. Ch. 121B, Section 7, housing authorities are empowered to employ an executive director, and determine the qualifications, duties and salary for the position. By letter dated June 16, 1971, the Attorney General of Massachusetts provided the opinion that the Department is empowered to review the compensation for the executive director as set by the authority, utilizing the annual budget process. Further, the Department is empowered, according to the Attorney General, to reduce such compensation for the executive director which does not meet such uniform standards.

Based on the statute and this opinion, what follows is a guideline for authorities to use in requesting Department approval of the compensation they wish to provide their executive director, be it a salary for a new executive, a salary raise or variations therefrom.

Newly Appointed Executive Directors

The statute (M.G.L. 121B, Section 7) provides that LHAs may hire an executive director. The executive may work full or part-time, depending on the workload which in some fashion relates to the units under management, units under development, as well as leased housing. Refer to EOCDs latest salary schedule for the required number of hours based on units and authority size. Recommended procedure for recruiting, interviewing, selecting, appointing, contracting and receiving Department approval for the new executive director is as follows:

1. Job Description

A job description should be prepared which outlines all of the elements the authority expects of the executive director. Included in this description must be daily, weekly, monthly, quarterly and annual duties. Such duties usually range from rentals, collections, tenant relations, supervision, accounting, relations with and reports to the authority, Department, and other agencies as required.

2. Qualifications

The authority must set forth required qualifications of those to be selected as candidates for interviewing. Included as qualifications must be educational history, work experience, degree of housing and/or management knowledge, attitude toward housing innovation, tenant relations, supervisory experience, etc.

3. Compensation

The authority should indicate salary range that is possible, with proviso that any compensation agreed to is subject to the Department's review and approval. A salary range will be provided by the Department based on the latest salary schedule.

4. Method of Applying

Specify procedures for filing applications, documentation that is required (i.e. resume, salary history, references, etc.) the time for filing, location for filing, forms that are required to be filled out, and indicate a person to whom any questions may be addressed by phone and/or mail.

5. Recruitment/Advertisement

The LHA should make use of every available communications medium to publicize the vacancy. Local newspapers, professional journals, periodicals, posted notices, as well as direct mailings to neighboring LHAs, agencies, previously identified possible candidates should be used. Newspaper advertisements should be placed at least once a week for a minimum of two (2) weeks to satisfy Affirmative Action requirements required by 760 CMR 33.05. All applications should be accepted for review, regardless of on-the-spot judgements of the applicant. Other recruitment efforts required by the affirmative action regulation can be found in 760 CMR 33.00.

6. Selection Committee

The authority should form a Selection Committee. Consistent with the Department's Tenant Participation Regulation, the tenant organization (LTO) must be given the opportunity to interview candidates for executive director. The authority should negotiate the procedures for involving the LTO. One possibility is to have tenant representative(s) sit on the Selection Committee along with LHA members.

Another is to have all candidates subject themselves to an interview by an LTO Selection Committee. Resumes and other biographical data should also be provided in this instance. For new LHAs, the LTO requirement is postponed until units are occupied.

7. "Paper" Screening

The first step is to screen applications to determine qualification "on paper". The qualifications have previously been defined, and the Selection Committee can usually match up "qualified" applicants with the requirements already set forth. Only unusually compelling circumstances should waive this "paper" review requirement, since if these requirements are liberally waived, then every applicant is entitled to such a waiver.

8. Interviews

A personal interview is the best way to evaluate candidates for vacancies. Therefore, once the "paper" selections have been made, all qualified candidates should be scheduled for interviews.

Since prior work experience and education can usually be understood and evaluated from the resume, interviews should focus on the individuals' knowledge of housing management, finance and positive interpersonal attitudes. If it is possible, personal contacts and support from local or State public officials should not be taken into account; however, appropriate references should be checked, perhaps at this step.

The results of the interviews should be rank ordered during a closed session, from first to last choices by the Committee, to be presented to the authority. The Committee usually can use a total of a number of dimensions for evaluation; e.g. leadership, professionalism, knowledge, etc.

9. Board Appointment

The recommendation of the Selection Committee could be a single selection or a minimal number of finalists who would be interviewed by the full board if the Selection Committee acted more in the capacity of a screening committee. The selection(s) should be presented to the authority at an open, scheduled meeting. The selection of an executive director is not the business of an executive session. The recommendation of the LTO should also be taken into account.

Included in the Selection Committee's recommendation should be the date of availability, the salary requested, the duration of employment anticipated and the general recommendation of the Committee. The authority should also be provided with the recommended candidate's resume. Also, all other applications with the committee's recommendations on each should be available for inspection by the authority.

The authority chairperson then accepts a motion for the appointment, specifying all necessary elements to be contained in the agreement to hire the individual included in the vote, with a majority of affirmative votes passing the motion. Included in this vote must be that the salary is subject to EOCD approval.

10. Executive Director's Contract

It is in the best interests of both the authority and the executive director to execute a contract defining in clear and precise language the relationship between the two. This contract is subject to the approval of the Department. It should be executed immediately after the affirmative vote described in step number 9 above, if there is to be such a contract.

However, the contract has no effect until approved by the Department.

If the authority was considering a contract between itself and the executive director, it should have been described and included in the recruitment materials outlined in all of the steps listed above. It should also be included in the motion and the ultimate Board vote.

Review by EOCD

When all of the above is completed, the following should be promptly sent to the Department for review:

1. Resume of the appointed executive director.
2. Salary recommended by the LHA.
3. The LHA's job description.
4. The recommendation of the LTO (if any).
5. An extract of the minutes of the meeting at which the vote was taken to appoint the new executive.
6. At least three (3) original copies of the contract with the executive director, executed by the Chairman, the appointee, and attested by an LHA official.

EOCD Requirements

No newly appointed executive director may begin work until EOCD officially advises the LHA to proceed. Remember, even an executed contract is not valid until it is approved by the Department. It is therefore in the interest of the newly appointed executive, personally, to wait until the position, salary, and tenure is officially approved.

EOCD guidelines which should assist the LHA in negotiating with potential executive directors are as follows:

1. An acceptable salary schedule is attached.
2. Per EOCDs 3/14/89 memorandum no contract should be for a period of less than one (1) year, and not more than five (5) years based on the stipulations below:

New Hire - any individual initially serving as executive director for that Authority may sign a one (1) year contract. In addition, the contract may contain a provision for a one (1) year renewal. The option to renew may be exercised only upon joint agreement of the parties.

End of One Year - Contract term for those persons having completed one (1) year of service in the position of executive director for the Authority may be for one to three (1-3) years whether it be as contract term or renewal period. In combination, the two periods cannot exceed three years total.

After Two Years - Contract term for those persons having completed two (2) years service in the position of executive director for the Authority may be for one to five (1-5) years whether it be as contract term or renewal period. In combination the two periods cannot exceed five years total.

3. All appointees must have prior experience consistent with the LHA's job description.
4. Salary increases will not be automatically approved within any contract, but shall be reviewed annually by the Department via the annual operating budget.

Reappointed Executive Directors

Salary increases for existing executive directors will be authorized through the annual operating budget submitted by the authority, beginning the first of the LHA's fiscal year. The executive director's salary will be evaluated based on the performance history of the authority while under his/her jurisdiction, efforts on the executive director's part to professionalize through training and education programs, and recommendations from the authority itself. The salary range would still fall within the attached guidelines. If the salary is above the upper limits, the authority must provide compelling reasons for the Department to approve the recommendation. If the executive director is under contract, salary increases will be authorized consistent with the LHA's fiscal year, and not the anniversary date of the executive director's appointment. If the contract is renegotiated, revised

or in any manner amended, a written explanation of all amendments to the existing or expired contract should also be submitted to the Department, along with all the items 1 through 6 listed in the section entitled "EOCD Review" above. In no case will the Department provide salary approval prior to the authority taking the official vote and making the appointment. The attached salary schedule represents the Department's existing parameters, and should be used by authorities in decision making on compensation.

Appointing Board Members to Executive Director

Mass General Laws, Chapter 268A is the statute which governs conflict of interest to all State boards, commissioners, and employees. Section 8A of the statute specifies that in order for a current or past LHA commissioner to be hired by the LHA under his/her supervision, ninety days must have expired since this person terminated his/her services as a member of the Board. Similarly, 760 CMR 32.04(4)(b) requires that board members are not eligible for appointment as director or other LHA employment until ninety (90) days after the expiration/termination of his term as commissioner. Between ninety (90) days and a year after such termination, an appointment may be made to a position provided that a waiver has been granted by the Secretary or his designee as provided in 760 CMR 32.04(3). After one (1) year of such termination no waiver is required. These requirements extends beyond appointments as executive director and cover all LHA positions of employment.

A reminder as to HUD regulations; for any LHA with federally assisted units, a current or ex-authority commissioner must wait a full twelve (12) months since termination as a member prior to being employed by the LHA. This provision may be waived by HUD, but the LHA must apply for such a waiver in all instances.

